

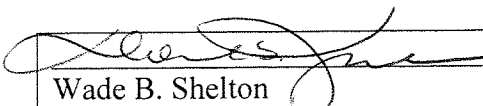
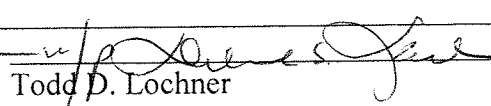
3. Plaintiffs intend to introduce expert testimony from Mr. Tom Willis, the former director of the Coast Guard's National Vessel Documentation Center, to bear on the issue of whether the Jensens' Preferred Ship Mortgage Application "substantially complied" with the applicable Coast Guard requirements for filing. Mr. Willis is uniquely qualified to provide testimony as he directed the National Vessel Documentation Center for 13 years. Mr. Willis's CV is attached as Exhibit 1 to this motion.
4. Mr. Willis resides in Virginia and has a pre-existing obligation in Virginia on September 9, the day after the Court's motions hearing in this matter. As a result, flying Mr. Willis to the Western District and back would incur significant expense to Plaintiffs, and significant inconvenience to Mr. Willis.
5. Plaintiffs' counsel has pre-arranged the technical logistics to provide live testimony by Mr. Willis in Virginia to the Court in San Antonio, should the Court grant this order.
6. Plaintiffs' counsel has consulted Defendants' counsel Mr. Philip Snyder, who has entered a special appearance on behalf of the *in rem* Defendant Vessel, and Mr. Michael Kerns, the USDOJ attorney representing the Coast Guard. Both Defendants' attorneys have stated they do not oppose Mr. Willis's remote testimony.
7. Rule 43(a) of the Federal Rules of Civil Procedures provides that "for good cause in compelling circumstances and with appropriate safeguards, the court may permit testimony in open court by contemporaneous transmission from a different location."
8. Plaintiffs have good cause to present Mr. Willis's testimony via contemporaneous transmission for the September 8th hearing. Mr. Willis is uniquely qualified to testify on whether the Jensens' Preferred Ship Mortgage Application substantially complied with the relevant regulations, and flying him to San Antonio for such testimony would be

significantly expensive to Plaintiffs and inconvenient to Mr. Willis. The relatively short notice given for motion hearings, relative to trials on the merits, creates a compelling circumstance for allowing Mr. Willis's remote testimony at this stage. Defendants are not in any way prejudiced by Mr. Willis offering his expert testimony remotely, and in fact have stated that they do not oppose Mr. Willis testifying via contemporaneous transmission. Finally, offering Mr. Willis's testimony remotely does not grant Plaintiff any tactical advantage, while having Mr. Willis testify in the Western District would be considerably inconvenient for the witness.

WHEREFORE, for the reasons stated above,

Plaintiffs Preben and Mary Jo Jensen respectfully request this Court to GRANT the attached Order Granting Leave to Present Contemporaneously Transmitted Testimony

Respectfully submitted,

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/s/
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